

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANDY GIL and RAFAEL HERNANDEZ, on behalf of
themselves and all other similarly situated,

Plaintiffs,

-against-

PIZZAROTTI, LLC., ATLANTIC CONTRACTING OF
YONKERS, INC., JOEL ACEVEDO, IGNAZIO CAMPOCCIA,
GIACOMO DI'NOLA a/k/a GIACOMO DI NOLA, JOHN DOE
CORPORATIONS 1-10, and RICHARD ROES 1-10,

Defendants.

USDC SDNY
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1:19-cv-03497-MKV

DEFAULT JUDGMENT

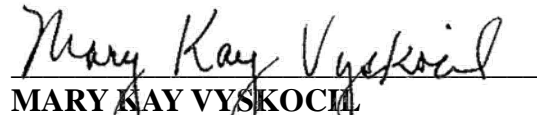
MARY KAY VYSKOCIL, United States District Judge:

On September 15, 2020, the Court held a hearing by telephone on the Motion for Default Judgment as to liability on the crossclaims of Defendants/Cross-Plaintiffs Pizzarotti, LLC, Ignazio Campoccia, and Giacomo Di'Nola for indemnification and contribution against Defendants Joel Acevedo and Atlantic Contracting of Yonkers, Inc. [ECF No. 79]. The Court noted that Defendants/Cross-Plaintiffs Pizzarotti, LLC, Ignazio Campoccia, and Giacomo Di'Nola had served Defendants Joel Acevedo and Atlantic Contracting of Yonkers, Inc. with notice of the Answer to Amended Complaint with Crossclaims [ECF Nos. 34, 62], Motion for Default Judgment [ECF No. 85], and the Court's Orders scheduling a hearing on the Motion [*e.g.*, ECF Nos. 111–112]. Defendants Joel Acevedo and Atlantic Contracting of Yonkers, Inc. failed to respond to the crossclaims, and on May 14, 2020, the Clerk of Court entered Certificates of Default against these Defendants. These Defendants did not respond to the Motion for Default Judgment or appear at the hearing. Based on the Court's careful review of the Motion and supporting papers filed by Defendants/Cross-Plaintiffs Pizzarotti, LLC, Ignazio Campoccia, and Giacomo Di'Nola [ECF Nos. 79, 80, 80-1, 80-2, 80-3, 80-4, 80-5, 80-6], and for the reasons stated at the hearing on

September 15, 2020, the Court GRANTS the Motion for Default Judgment as to liability on the crossclaims of Defendants/Cross-Plaintiffs Pizzarotti, LLC, Ignazio Campoccia, and Giacomo Di’Nola for indemnification and contribution against Defendants Joel Acevedo and Atlantic Contracting of Yonkers, Inc. Assessment of damages, if any, on the crossclaims for indemnity and contribution is premature and must await trial of Plaintiffs’ claims against the Defendants/Cross-Plaintiffs.

SO ORDERED.

Date: September 15, 2020
New York, NY


MARY KAY VYSKOCIL
United States District Judge